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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,387	07/23/2003	John C. Pederson	E30.2H-11235-US01	2365
490	7590	01/17/2006	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/625,387

Applicant(s)

PEDERSON ET AL.

Examiner

Ismael Negron

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19 and 29 is/are rejected.
- 7) ☒ Claim(s) 20-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>See Continuation</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

Continuation from Attachement(s) - Item 3: IDS filed: October 27, 2003; November 24, 2003; November 8, 2004; April 13, 2005, July 22, 2005 and August 8, 2005

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on November 7, 2005 has been entered. No claim has been amended, or cancelled. Claim 29 has been added. Claims 15-29 are still pending in this application, with claims 15 and 29 being independent.

### *Title*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: ~~360-Degree~~ Illumination Pod Warning Light having LEDs.

### *Abstract*

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, the abstract should include the technical disclosure of the improvement. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it fails to concisely state the subject matter of the invention, and it uses phrases which can be implied (e.g. "is disclosed"). Correction is required. See MPEP § 608.01(b).

### ***Specification***

4. The disclosure is objected to because of the following informalities:
- reference character "12" has been used to designate both "*light support*" (paragraph 170, line 2) and "*LED support*" (paragraph 171, line 5);
  - reference character "100" has been used to designate both "*light support*" (paragraph 206, line 3) and "*front driver side*" (paragraph 206, line 12);

- reference character “**12**” has been used to designate both “*angular offsets*” (paragraph 210, line 8) and “*downward angular offsets*” (paragraph 211, line 3);
- reference character “**200**” has been used to designate both “*light source/replacement lamp*” (paragraph 219, line 8), “*LED replacement lamp*” (paragraph 220, line 1) and “*LED warning lamp*” (paragraph 221, line 1); and
- reference character “**260**” has been used to designate both “*light reflector*” (paragraph 218, line 2), “*reflector assembly*” (paragraph 224, line 4), “*rotational reflector*” (paragraph 225, line 14) and “*parabolic-shaped reflector assembly*” (paragraph 228, lines 8 and 9).

5. The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. Appropriate correction is required.

Applicant is further advised that this action only exemplifies the objections to the specification, applicant’s cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 15-18 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by THEOBALD et al. (U.S. Pat. 5,567,036).

7. THEOBALD et al. discloses an illumination device having:

- **a mounting base (as recited in claims 15 and 29), Figure 1, reference number 80;**
- **the mounting base being substantially horizontal (as recited in claims 15 and 29), as seen in Figure 1;**
- **the mounting base having a plurality of LED mounts (as recited in claims 15 and 29), Figure 1, reference number 90;**
- **the LED mounts extending upwardly from the mounting base (as recited in claims 15 and 29), as seen in Figure 3;**
- **a plurality of light emitting diodes (as recited in claims 15 and 29), Figure 1, reference number 100;**
- **the light emitting diodes (LED) being arranged about and attached to the LED mounts (as recited in claims 15 and 29), as seen in Figure 1;**

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- **a controller (as recited in claims 15 and 29), as evidenced by column 2, lines 24-47;**
- **the controller being in electric communication with the plurality of LED (as recited in claims 15 and 29), inherent;**
- **the controller being constructed and arranged to activate the plurality of LED to produce a light signal (as recited in claims 15 and 29), inherent;**
- **the LED receiving power from a power source (as recited in claims 15 and 29), column 4, lines 34-36;**
- **a cover (as recited in claims 15 and 29), Figure 1, reference number 35;**
- **the cover enclosing the mounting base, the LED mounts and the plurality of LED (as recited in claims 15 and 29), column 3, lines 17-20;**
- **the LED mounts including at least one slot (as recited in Claim 16), as evidenced by Figure 3;**
- **at least one of the LED including a wire (as recited in Claim 17), Figure 3, reference number 106;**
- **the wire traversing the slot (as recited in Claim 17), as evidenced by Figure 3;**
- **the LED mounts defining an outward face (as recited in Claim 18), Figure 1, reference number 91;**



- **the plurality LED being engaged to the outward face (as recited in Claim 18), as seen in Figure 1; and**
- **the LED being substantially perpendicular to the mounting base (as recited in Claim 29), as seen in Figure 3.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over THEOBALD et al. (U.S. Pat. 5,567,036) in view of MACHIDA (U.S. Pat. 6,411,022).
9. THEOBALD et al. discloses an illumination device having:
  - **a mounting base (as recited in Claim 15), Figure 1, reference number 80;**
  - **the mounting base being substantially horizontal (as recited in Claim 15), as seen in Figure 1;**
  - **the mounting base having a plurality of LED mounts (as recited in Claim 15), Figure 1, reference number 90;**

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- **the LED mounts extending upwardly from the mounting base (as recited in Claim 15), as seen in Figure 3;**
- **a plurality of light emitting diodes (as recited in Claim 15), Figure 1, reference number 100;**
- **the light emitting diodes (LED) being arranged about and attached to the LED mounts (as recited in Claim 15), as seen in Figure 1;**
- **a controller (as recited in Claim 15), as evidenced by column 2, lines 24-47;**
- **the controller being in electric communication with the plurality of LED (as recited in Claim 15), inherent;**
- **the controller being constructed and arranged to activate the plurality of LED to produce a light signal (as recited in Claim 15), inherent;**
- **the LED receiving power from a power source (as recited in Claim 15), column 4, lines 34-36;**
- **a cover (as recited in Claim 15), Figure 1, reference number 35;**
- **the cover enclosing the mounting base, the LED mounts and the plurality of LED (as recited in Claim 15), column 3, lines 17-20;**
- **the LED mounts including at least one slot (as recited in Claim 16), as evidenced by Figure 3;**

- **at least one of the LED including a wire (as recited in Claim 17), Figure 3, reference number 106;**
- **the wire traversing the slot (as recited in Claim 17), as evidenced by Figure 3;**
- **the LED mounts defining an outward face (as recited in Claim 18), Figure 1, reference number 91; and**
- **the plurality LED being engaged to the outward face (as recited in Claim 18), as seen in Figure 1.**

10. THEOBALD et al. discloses all the limitations of the claims, except the illumination device including an insulator clip constructed and arranged to position the light emitting diodes between the insulator clip and the outward face of the LED mounts (as recited in Claim 19).

11. MACHIDA discloses an illumination device having:

- **a mounting base (as recited in Claim 15), Figure 2, reference number 7;**
- **the mounting base being substantially horizontal (as recited in Claim 15), as seen in Figure 2;**
- **the mounting base having a plurality of LED mounts (as recited in Claim 15), Figure 2, reference number 8;**
- **the LED mounts extending upwardly from the mounting base (as recited in Claim 15), as seen in Figure 2;**

- **a plurality of light emitting diodes (as recited in Claim 15),**  
Figure 2, reference number 13;
- **the light emitting diodes (LED) being arranged about and**  
**attached to the LED mounts (as recited in Claim 15), as seen in**  
Figure 2;
- **the mounting base defining an outward face (as recited in**  
**Claim 18), as seen in Figure 2;**
- **the plurality LED being engaged to the outward face (as**  
**recited in Claim 18), as seen in Figure 2.**
- **an insulator clip (as recited in Claim 19), Figure 2, reference**  
number 10; and
- **the clip being constructed and arranged to position the light**  
**emitting diodes between the insulator clip and the outward**  
**face of the mounting base (as recited in Claim 19), as seen in**  
Figure 2;

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the LED mount structure of MACHIDA in the illumination device of THEOBALD et al., to obtain an illumination device of reduced cost, and enhanced degree of design freedom, and reduced environmental impact, as per the teachings of MACHIDA (see column 1, lines 23-40).

***Relevant Prior Art***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Jenkins** (U.S. Pat. 5,006,971), **Roney** (U.S. Pat. 5,101,326), **Pond et al.** (U.S. Pat. 6,095,663), **Huang** (U.S. Pat. 6,149,288), **Kelley et al.** (U.S. Pat. 6,241,373), **Cote et al.** (U.S. Pat. 6,244,728) and **Fredericks et al.** (U.S. Pat. 6,431,728) disclose illumination pods including LEDs supported by a plurality of LED mounts, such mounts projecting upward from mounting bases, and a cover lens for enclosing the mounting base, the LED mounts and the LEDs.

**Sasaki** (U.S. Pat. 5,769,532), **Lash et al.** (U.S. Pat. 6,086,220), **Petrick** (U.S. Pat. 6,525,668) and **Lodhie** (U.S. Pat. 6,598,996) disclose LED light sources devices for providing illumination about 360 degrees around the device.

**Teshima et al.** (U.S. Pat. 4,271,408), **Lin** (U.S. Pat. 4,999,755), **Ohkohdo et al.** (U.S. Pat. 6,386,733) and **Chen** (U.S. Pat. 6,448,900) disclose LED illumination devices including LED mounts for removable receiving the LED and providing mechanical and electrical engagement.

***Allowable Subject Matter***

14. Claims 20-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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15. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an illumination device including a plurality of LED attached to a plurality of LED mounts, such mounts being located on a mounting base, and a cover enclosing the mounting base, the LED mounts and the LEDs. An insulator clip positions the LED between such clip and an outward face of the LED mounts, while a retaining clip releasably secures the insulator clip and the LED to the outward face of the LED mounts.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically a retaining clip releasably securing the insulator clip and the LED to the outward face of the LED mounts, in combination with the other recited structural limitations of the claimed invention.

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 15-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-

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2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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